

O.A. 189/2002

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Date 19.6.2002

20-9-2002.

Rejoinder filed and copy served.
Pleadings Completed. List This case for
final hearing.

[Signature]
20/9/2002
Registrar

The Applicant is absent
on call. Shri S.B. Jena, Ld.
ASC has already filed
an M.A. for the
Respondents 2 & 4 and
today files a memo for
of appearance praying
therein for a week time
to file counter. Heard

Time is granted
till 15.7.2002.

M.A. is disposed of
accordingly.

[Signature]
19/6/2002
REGISTRAR

Counter not filed.

[Signature]
Registrar

[Signature]
12/7/02

15.07.02

Ld.Counsel for the
Applicant is present. Shri
S.B. Jena, Ld. ASC files an
M.A. and prays for 2 months
time to file counter. Heard.
Time is granted till
29.7.02 to file counter.

M.A. is disposed of
accordingly.

[Signature]
15/7/2002
REGISTRAR

Counter not filed.

[Signature]
Registrar

[Signature]
26/7/02

Order dated 11.10.2002

Pleadings are taken to be
complete. Can this matter be
heard and final disposal after
showing it in the Ready list--

[Signature]
Vice Chairman
[Signature]
Member (G)

Order dated 7.11.2002

Heard Shri B. Parida for the applicant
and Shri S.B. Jena, Adml. Standing Counsel for the
Respondents.

It appears that the case of the
applicant was considered by the competent
authority for a compassionate appointment,
but did not approve the same on the grounds
as stated by the Respondents at Annexure-R/6
that the death of the Government servant
occurred long ago on 26.3.1997; the deceased
family received the terminal benefits, and that
the deceased family is in receipt of monthly
pension and that the deceased family has

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

29.07.02

The Applicant is absent on call. Shri S.B. Jena, Ld. ASC files one M.A. and prays for 02 months time to file counter. Heard. Time granted till 16.8.02 for counter.

M.A. is disposed of accordingly.

REGISTRAR

Counter not filed.

Registrar

14/8/02
16.8.02

The Applicant is absent on call. Shris. B. Jena, Ld. ASC prays for further time to file counter. Heard. Time granted till 23.8.02 for counter.

REGISTRAR

Counter filed. Copy not served.

Registrar

6/9/02
9/9/02

left no liability of minor children. However, we do not feel these to be sufficient grounds to reject the prayer for compassionate appointment and in the aptness of things, we ^{the Respondents} go deep into the matter to examine the liability of the family. As the Respondents have already disclosed in the counter that the deceased left behind him one son, i.e., the applicant and also an unmarried daughter, we remit this matter to the competent authority to give a fresh look and to examine the actual liability of the deceased family to see whether the applicant could be offered an appointment on compassionate ground subject to ^{the} availability of ^a vacancy. While examining the case of the applicant afresh, as directed above, the competent authority should not take into account the quantum of terminal benefits and family pension received by the deceased family in order to determine the financial condition of the family for getting the benefit of compassionate appointment, as ~~observed~~ ^{held} by the Hon'ble Supreme Court in the case of Balbir Kaur & another vs. Steel Authority of India Ltd. & Ors. reported in 2002 (2) ATT (SC) 255.

The O.A. is disposed of as above. No costs

VICE-CHAIRMAN

MEMBER (J)